

ZONING BOARD OF APPEALS

CITY OF LIVONIA

MINUTES OF REGULAR MEETING HELD TUESDAY, JANUARY 18, 2022

A Regular Meeting of the Zoning Board of Appeals of the City of Livonia was held on Tuesday, January 18, 2022.

MEMBERS PRESENT: Gregory G. Coppola, Chairman
James Baringhaus, Vice Chairman
Timothy Klisz, Secretary
Joel Turbiak
Christopher N. Boloven
Michael Testa
Tamara Oliverio

MEMBERS ABSENT: None

OTHERS PRESENT: Matt Stierna, Inspection Department
Mike Fisher, Legal Department
Valerie Bertani, CEO 9489

The meeting was called to order at seven p.m. Chairman Coppola explained the Rules of Procedure to those interested parties. Each petitioner must give their name and address and declare hardship for appeal. Appeals of the Zoning Board's decisions are made to the Wayne County Circuit Court. The Vice Chairman advised the audience that appeals can be filed within 21 days of the date tonight's minutes are approved. The decision of the Zoning Board shall become final within five (5) calendar days following the hearing and the applicant shall be mailed a copy of the decision. There are four decisions the Board can make: to deny, to grant, to grant as modified by the Board, or to table for further information. Each petitioner may ask to be heard by a full seven (7) member Board. Seven (7) members were present. Secretary then read the Agenda and Legal Notice to each appeal, and each petitioner indicated their presence. Appeals came up for hearing after due legal notice was given to all interested parties within 300 feet, petitioners, and City Departments. There were three (3) people present in the audience.

(7:00)

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APPEAL CASE NO. 2021-05-20 (Tabled on November 16, 2021): An appeal has been made to the Zoning Board of Appeals by Thomas Berry, seeking to maintain a six-foot-tall privacy fence, erected without a permit, at the rear of a double frontage lot, resulting in deficient rear yard setback.

Rear Yard Setback:

Required: 35 feet
Proposed: zero feet
Deficient: 35 feet

The property is located on the east side of Vacri (17202), between Vargo and McNamara, Lot. No. 036-01-0018-000, R-3C Zoning District. Rejected by the Inspection Department under City of Livonia Fence Ordinance, Section 15.44.090A(3), "Residential District Regulations."

Boloven: Mr. Chair.

Coppola: Mr. Boloven.

Boloven: Motion to remove appeal case 2021-05-20 from the table.

Testa: Second.

Coppola: Alright, I have a motion by Mr. Boloven, supported by Mr. Testa to remove from the table. All in favor?

Board: Aye.

Coppola: Okay. Alright, Mr. Berry, if you could step up, name and address first, please.

Berry: Tom Berry. 17202 Vacri Lane.

Coppola: Alright, thank you, Mr. Berry. If you would please, since we have a new member here tonight, if you could just give us a little bit of background on your petition. I'd like to hear a little bit of the explanation in regards to how the fence got up without a permit and then I'd like to understand what the hardships are.

Berry: Thank you. Welcome to Board, Ms. Oliverio.

Oliverio: Thank you.

Berry: In January, I think it was last year, it would be 2020. I purchased a home on Vacri Lane that backed to Farmington. At the time, the bushes that were there, I was told was--hadn't grown because it was the middle of winter. Accepting that, not that it would have changed my mind in anyway, but I thought there would be enough bush there the light that comes in from across the--across the Secretary of State in the parking lot that was there. I moved into the property September 9th I think it was and I went through that

entire winter now realizing why there was this plastic--plastic shield over the--over the family room patio door. Thinking that is was there originally because the house had been vacant for so long. They didn't want anybody looking in the windows. But as it turns out, in the evening, we get the lights from across the street and in the morning, we get the lights in the bedroom from across the street as well, without the fence being there. So, I think it was March--my dates might be a little off, but I think it was March that I began reading--or trying to read the ordinance regarding the six-foot privacy fences and I knew I already had a fence there, so looking it up online I couldn't find it. I did call the ordinance department and asked them what the policy was, and the gentleman told me it's online or you'd have to come in. So, knowing that I couldn't find it online, I went in. I went in and I spoke with a gentleman at the counter, and I explained to him that I have a fence that's coming down in my yard. It's--I didn't tell him what type of fence it was. I told him that I wanna replace it and he had told me that I did not need a permit to replace it. I said well, how many feet do I have to go down, because I'm sure there's gotta be some ordinance that says your fence has to be at the freeze line or something along that line, and he said no. He said you don't need to. He said that's maybe overkill. So, telling me I didn't need an ordinance--or I didn't need a permit and that I didn't need to go down a certain depth, I went to Home Depot and bought my \$1500 worth of six-foot privacy fence. I put it in myself. It took me a week. It took me a solid week. I went down 42 inches. I laid rock on the bottom and I put--I put a bag of quickset through each post, so, if anybody was to come ask me about it, I know it was done right. Well, the day I finished--ironically, the day I finished there was a card on our door--on our car door stating that they were from I think the inspection department and I needed to give them a call. I called the gentleman up that day and told him that--he said you need a permit for that. I says I was down to the inspection department already or to the planning commission or zoning and they told me I didn't need a permit. He said okay, thank you very much, hung up the phone and we were finished with the conversation. I was rested that I was finished with it. Two days later I got--or maybe the next day I think it was, I got a call from him again saying you need to get down to the city. You need a permit for that, and I said, okay, let me come down, find out what I have to do. I went down and I explained to the gentleman--different gentleman at the desk that I had a conversation with somebody that was there. He said that person--I'll say was mistaken and didn't relay the proper information to me. The fence has to come down or you'll have to go before the Zoning Board. My first time before the Zoning Board I think we came to a three-to-three tie which tabled it or they decided to table it until they could get some more information. The second time I appeared at the board here, I gave the Board members a list of twelve properties in the city whose zoning matched my zoning, yet they all had privacy fences. At that meeting, I was instructed to get a signature or petition the people along Farmington Road from Six Mile to--I forget the name of that first street there, anyway, that sub has 21 houses on it. I petitioned them. All of them signed it. I have a copy for you if you'd like to see it. If I may, Mr. Coppola.

Coppola: It's in our packet, but--

Berry: Do you have this?

Oliverio: I think so. Yes.

Coppola: It was in our packet.

Oliverio: I'll take it.

Berry: Thank you.

Berry: So, on here you'll see, I think I have 20 signatures or nineteen. The reason I have that many signatures is the one gentleman, I could not get to save my life. I don't know where he is. I don't know where he was at the time. I went at like 7:00 in the morning and 2:00 in the afternoon, and 6:00 in the evening, and I couldn't find him. The other one that's not on there, I think it's pretty obvious to say, she--I said originally that she didn't want anything to do with it, but I believe that she was the one that--and I shouldn't even say that--that made the call. I was told in the department when I went down to apply for my Zoning Board meeting application that had nobody called, this would not have been an issue and I respect that. I get it. It just doesn't sound like it's the right way of doing business, but this is not my business. So, at the last meeting, I believe we had a five-member board here, and the vote came down to I think three to two in favor, but I--I thought that what they needed was the majority of the board in attendance, not the majority of the board as a whole, so I thought my three to two would suffice and obviously it didn't. I got a little emotional. I let myself get out of hand. So, here I am again today with a full board hoping to seek your approval for the permit.

Oliverio: Thank you.

Coppola: Any questions?

Boloven: Mr. Chair.

Coppola: Mr. Boloven.

Boloven: Mr. Berry, at the last meeting you said it was an oversight that you didn't get the signature from 18014 Vacri, what's--did you receive it this time?

Berry: No and the reason I didn't--forgive me for saying, but it wasn't an oversight because that house sits on--like a corner. I don't know if it sits on Vacri lane or not. I think it has about four foot on Farmington Road and honestly, I didn't feel like chasing it down and I thought to myself, you know what, this may not apply anyway. I'm gonna take a shot and just not knock on the door and bother her. So, I didn't bother her intentionally.

Boloven: Okay. And did you attempt to make additional contact with 17652 Vacri after the last meeting?

Berry: No, I did not.

Boloven: Thank you, Mr. Chair.

Baringhaus: Mr. Chairman.

Coppola: Vice Chair Baringhaus.

Baringhaus: Thank you. Yeah, Mr. Berry. I'd kind of like to revisit some of the hardships that you listed on your original application to the variance itself. Under your explanation of practical difficulty, you indicated that your property was across the street from the strip mall. After various conversations, we agreed your property is actually--basically North of the strip mall itself and my question is, the light that you're getting from the traffic coming from that mall, is that traffic--are you getting light--headlight beams basically from right hand turns coming out of that lot or left-hand turns? Or both?

Berry: I know that Mr. Baringhaus, you've gone out or somebody had measured the driveway for you and told you that there was a four-foot discrepancy as to where it lines up directly to my --my family room but I will tell you, at that 50 foot distance if you will, that--that driveway sits above and when those lights come through--because they're coming from--they're coming from the South side. So, when they're coming from the South side, they're going to be--beaming directly at my family room and in my bedroom. Whether they turn or they turn left, that beam comes through there because that driveway from the strip mall is at the end of the strip mall. Now, there is another driveway directly next to it from an office plaza that I think is vacant, yet there's plenty of activity that comes in and out of it. So, to answer your question, whether it's four foot off or not, I tell you, Jim, you gotta come and sit in my living room or stand in my bedroom and watch the lights come though. Honestly, I'm not here because I wanna give your guys a hard time or do something--you know--to deceive you. It really is what it is. I didn't wanna spend \$1500 on something I don't need. My wife is a naturalist. When I took those bushes out, she was mad at me. Just the same, she told you guys she put up poison ivy last time.

Baringhaus: No, but (inaudible) my question was to determine if the light was hitting your home--

Berry: It is, sir.

Baringhaus: --directly from that driveway or at an angle based on turns.

Berry: From--from--from--from both.

Baringhaus: From both.

Berry: Yes sir.

Baringhaus: Very good. Do you know the approximate distance from the back of your home where your family room is and bedrooms that you indicated early to that driveway?

Berry: To which driveway? The driveway across the street?

Baringhaus: Driveway from the mall. Yes.

Berry: I didn't count, but it's a five-lane highway with the center--with the center turn lane, so based on that, I'm gonna say that road is what, 50 foot, plus, the 30 foot from the road to the side walk, plus to my family room would be another 40 feet, but with LED lights it doesn't make a difference.

Baringhaus: Basically--okay. Basically, the driveway--the measurement from the driveway to the back of your house is 184 feet. Do you know the distance of what a low beam is on a vehicle? The distance it travels? It's 160 feet.

Berry: Yeah, I can get that tech--

Baringhaus: I guess my--I guess my question is this. You're 184 feet from that driveway. The distance for a low beam headlight is 160 feet. I was just curious, how is the intensity of light in your home? Is it very bright or you just know that there's a car out there and you're seeing its shadow? An outline on your drapes?

Berry: No. LED is far different than a standard light and I won't challenge the technical aspect of it because I'm sure you've done your homework and I'm sure it's right. Every person is different. My--I have sensitive eyes. My wife has sensitive eyes. I mean, you may sit there and find it--you know--not--it not bother you, but I think just every human being is different.

Baringhaus: Did you try correcting the problem with blinds, drapes, items like that?

Berry: Well, we are changing the patio door now.

Baringhaus: Okay.

Berry: Because we're still getting light, but the light now is like just hitting the ceiling of our home right--or the--yeah, the ceiling and the top part of the wall.

Baringhaus: Okay. Also, in your explanation of your hardship you indicated that the activity from the Secretary of State's office was uncomfortable for you?

Berry: Yes.

Baringhaus: Especially, on the weekend, you felt people were gawking and invading your privacy in your yard. I was wondering if you could explain that given the distance from your home to the Secretary of State's office in the mall.

Berry: I can give you an example. It was summertime and I was cleaning up the backyard and I was putting wood together from cleaning up the backyard to clean it up and I was gonna burn it.

Baringhaus: Mmhmm.

Berry: And I had somebody walking by telling me that--asking me, do you plan on burning it? And the answer was yes. And I did have it in a fire pit--a metal fire pit, and I started to burn it, and you can call up the fire department if you'd like because they paid a visit to my house. That person had called to let them know that I was burning wood in my backyard, and I hadn't had the fence up like I said, it was summertime.

Baringhaus: But I mean in terms of the patrons of the Secretary of State--

Berry: The patrons of the--

Baringhaus: --office bothering you as you indicated in your--

Berry: No, no no.

Baringhaus: --hardship.

Berry: It was merely that I felt--

Baringhaus: It was just that one individual?

Berry: Not any one individual, but overall, the fact that these--there was a line outside and they can stand and walk and look across the street at the houses. I felt uncomfortable.

Baringhaus: Okay. One of the conditions for requesting a variance is that the variance is consistent with the city's master plan. You're familiar with the master plan--

Berry: I understand what a master plan is.

Baringhaus: Sure. Are you familiar with the Livonia Vision 21 Master Plan?

Berry: No, sir I am not.

Baringhaus: Okay. One of the key aspects of the City of Livonia--Livonia Vision 21 Master Plan is that one of the strategic objectives in that plan calls for the conservation of open spaces. Things like waterways, tree canopies, and other resources like green

belt areas which is what you had prior to removing it and installing that fence. Now, my question to you is this. Do you think that action of removing those bushes and trees in order to install your fence is consistent with the City of Livonia's Livonia Vision 21 Master Plan?

Berry: Those trees had exceeded their lifespan. Those bushes had exceeded their lifespan. There was zero to no foliage on them. They were going to be replaced. The problem with replacing them with the--what are they--those vert--

Fisher: Arborvitaes.

Berry: --arborvitaes, is that the roots system of the bushes that were there, would suck up the water and so I could not--the option of putting arborvitaes there was not an option. The gentleman down the street thought it could be. He put them in and if you'd look at the poor guy, they've all died now. So, putting anything else in there was not an option to me because of the root system and I felt that it would be better being that I already had a fence there, I could put a fence, but this--let me just make it a privacy fence and be finished with it. And if you ask my wife, she didn't like it.

Baringhaus: But in terms of your action of removing 100--about 100 feet of green belt from Farmington and that action appeared to what's outlined in the Livonia Vision 21 Master Plan of conserving that type of resource, do you think that's consistent?

Berry: What should I have done if they were dead?

Baringhaus: I'm sorry?

Berry: If those shrubs were completely dead, I ask you what should I have done?

Baringhaus: Well, obviously one option would have been to replace the existing shrubs and maintain the green belt.

Berry: So, as far as the master plan is concerned, I don't know how many members--how many people in the city are aware of the master plan. They may not even know that a master plan has to be written--re-written every five years--you know--your master plan, I'm sure it is within the five-year limit, but I didn't read it. I didn't know about it, so it's news to me and for that I'm in error.

Baringhaus: Okay. Thank you very much.

Coppola: Other questions?

Turbiak: Mr. Chair.

Coppola: Mr. Turbiak.

Turbiak: Actually, this is a question to you, Mr. Chair. I believe at the end of the second meeting, which was the one before the previous one, it sounded like there was some--some discussion between you and the petitioner and maybe Mr. Fisher of the legal department to try and help the petitioner get input from the city. That was one of the concerns that was discussed at that meeting due to the high visibility. There was mention of efforts to try and get input from the city, again, some way to determine--I don't think it was defined in that meeting. I know you weren't at the last meeting, but I just wanted to ask you if anything along those efforts were made. Was there a process and how did it go? Where did it end up?

Coppola: Yeah, well, first of all, pursuant to the open meetings act, there's very--we're very limited to what we can do.

Turbiak: Sure.

Coppola: And I did have some conversations with some of the council members and such and it really--from our perspective--I made them aware of the issue, but it's really the petitioner's responsibility to do that. I don't know if the petitioner had an opportunity to reach out to any of the council members--talk to the--to the building department in regards--coming up with something that would be--a plan that would be homogenous in that area, but I have not heard anything.

Turbiak: Okay. Mr. Berry, do you have any comment for that?

Berry: In response to that, I did reach out to council woman--

Turbiak: Toy? Toy? Toy?

Berry: Yes. Several times. But she didn't pick up my call. I did speak with a gentleman from the planning--or from the--I'm gonna say the planning board downstairs--the ordinance department and it was a good conversation but neither one of us could come up with something other than planting foliage in front of the current fence I have. I--I don't know. His name is Bob. I've spoke with him maybe three--four times. Conversations are good. They're constructive, but--you know--to where I'm at right now, he's told me, he says I think the zoning board would maybe be in favor of it if you would move your fence back maybe five feet and my response to him was, I would be happy to if everybody from the zoning board would be willing to give up five feet of their property to their neighbors. I--like I said, I didn't do this to deceive anyone. I did this as a hardship. I didn't wanna spend the money nor did I wanna go through the aches and pains that I did putting it up because I suffered my back for two months. I'm close to 70 years old. I shouldn't have done that, but I did. So, my--my damage has been done and I stand before you. That's--that's as much as I can do.

Turbiak: Fair enough. I understand. Last meeting, we talked about the foliage, and you just mentioned it again. Could you remind me of the plans for the foliage and what--

could you include the timeline to it, and I'm interested in like maybe percentage. I know it takes time to kind of fill out.

Berry: Yeah, and it's kind of frustrating because I've started these jasmine vines in the yard. There's three of them and I've had to encase them now because the deer that come through munched away on the first two, we put in there, so I took--I took some of those vines and I put them in front of the fence. So, they start--they started to grow, but because it got cold so fast, the growth period is done right now. I have to wait for the spring. The three I have in the yard, they're doing fine. They're fenced. The deer can't get to them, and I'm just waiting for the spring to where I can transplant those and put them along the fence. If anybody had any ideas, other foliage, I'd be open to it. I don't have a problem--I don't have--I'm trying to find a tree that--or a bush that wouldn't grow too wide because if you look down the sidewalk, there are so many bushes that are over that sidewalk, blocking the sidewalk. I want something that I can be able to trim to be flush with the sidewalk. I just haven't found it yet. I'm not finished with this. I know if I get a no vote today, I'm fine with that. I respect what you guys are doing. I'll have to take it further, but ultimately what I plan on doing is putting more shrubs up there, but I need to research as to find out what ones would work best in that area.

Turbiak: Yeah, I understand it's difficult to find. I'm also not aware of any shrub like the one you described. I think the vines and ivy approach is probably your best bet. I wanted to ask you though, do you think it's reasonable--in a hypothetical situation where this were to be approved, to condition approval of a certain percentage of coverage by September and then--you know--a final percentage that you would maintain throughout the life of the fence? Is that reasonable?

Berry: I love my house. I love the location. What I've done to the house, I think nobody really expected. Nobody had seen the house prior to buying it. It sat on that market for two years before I walked in and I did what I did to it on the outside as well--put a patio in, I have to put a new deck in. The fence--my part of Farmington Road, I not only cut my part of Farmington Road, I cut my neighbor's as well because I want to make sure that it's kept up. It's my property value. I take pride in it. So, to answer your question, it's gonna be an ongoing--it's gonna be an ongoing effort to make sure that I make that as green as I possible can.

Turbiak: Yeah, I have the impression that you are the kind of guy who really takes care of your property and your possessions, and--you know--the aesthetic appearance, but my question is really more pointed, is do you feel it's a reasonable condition to have--

Berry: Yes.

Turbiak: Okay. Okay. That's all I have, Mr. Chair. Thank you, Mr. Berry.

Coppola: Okay, thank you. Any other questions?

Testa: Mr. Chair.

Coppola: Mr. Testa.

Testa: Thank you. Mr. Berry, welcome back.

Berry: Thank you.

Testa: Thank you for the cliff notes version of the past few meetings. It's very helpful for us or for me, specifically. I caught something that you said that maybe I didn't in prior meetings that apparently a neighbor had called on you originally about the fence being up.

Berry: That's what I was told.

Testa: Okay. Has she signed--

Berry: No, she didn't sign.

Testa: She's one of the people that did not sign.

Berry: That's how I put two and two together.

Testa: Okay. Got it. You by chance know her last name?

Berry: No, sir.

Testa: Okay. I don't see any objection letters, so I'm gonna assume she didn't take the step of rejecting it. Okay, thank you.

Berry: Thank you. I did have a conversation with her, I'll be honest with you. I approached her because--the time we had the power outage, I went there to see if I could help her because she didn't have a generator. I had a generator and I offered her to put whatever she needed in my refrigerator in the garage. She opted out, and I brought it to her attention. She says how is the fence going? I said well, I have to be honest with you, I--I almost feel as if you may have been the one that called, but I respect that because you don't want fences along here. I don't hold anything against you, but--you know--I'm going through this and whatever they decide, they decide, but you can see the fence for yourself. Do you see it as an obstruction to you? She says no, I don't. But I didn't ask her to sign it. I wasn't gonna go there again. I wasn't gonna force her.

Testa: She your direct neighbor?

Berry: Three doors down. Four. Four doors North.

Testa: Okay. Thank you.

Berry: I think she's four doors North, yeah.

Testa: Thank you, Mr. Chair.

Oliverio: Yes.

Coppola: (Inaudible)

Oliverio: If I may. Thank you, by the way for the--nice to meet you--

Berry: Thank you.

Oliverio: --my first time here--so, nice to meet everybody. Thank you for the information. I will say I spent about six hours today researching this case in general. It had lots of notes and audio to listen to as well as drove past the area (inaudible) this morning after dropping of the kids at school, so, your synopsis was very helpful. I do have a question though, in terms of the trees on the property or the shrubs, were they on your property or on state property?

Berry: Ours. Mine.

Oliverio: Okay.

Berry: Yes.

Oliverio: More so comment at this point, if that's okay versus question. Okay.

Coppola: Well, you'll have an opportunity to make comments when we--

Oliverio: Okay.

Coppola: --make the Board's comments.

Oliverio: Well, I guess just kind of going back to the Vision 21--I know you're new to the city so you didn't necessarily have a whole (inaudible), to your point, most people probably don't. There are a number of other things in Vision 21 talking about the master plan that have new developments that would be along Farmington Road. So, I would say it's reasonable to think that Farmington Road corridor right near your house will have increased traffic sometime in the next five, ten, fifteen years from now. So, just wanted to call that out as well. Greenery is extremely important in my opinion but so is understanding how the traffic will be shifting within our community and looking at that typical factor too.

Berry: If I may, Mr. Chair.

Coppola: Go ahead.

Berry: I don't think the city has a fund for it, but I would entertain the opportunity to plant pine trees or oak trees along that Farmington Road stretch that I'm in. I think it's barren. I think if we really wanted to adhere to green space, I think there's an opportunity along that entire stretch--from gosh--Curtis Road--from Curtis Road to Six Mile there, I think there is one house that has four oak trees on it--or three oak trees. That's my neighbor. I would--I would think that--you know--being able to have the opportunity to plant trees on that, to create that green space, I think it would do much for that area, because if you look at it now, those--those fences are all coming down. My neighbor's, when you walk through it South towards Six Mile, the whole thing is collapsing. It has collapsed.

Oliverio: If I may add to my comment as well, and that was one of my concerns as well. I know there's another ordinance that talks about the safety of the fences and a number of the gates that are there are very broken. Those are safety hazards in my mind. From being a parent who might possibly buy a house or a new family who might wanna move into one of these homes, those are potentially safety hazards. Specifically, as it relates to being up against Farmington Road.

Berry: Ms. Oliverio, I know you probably don't know this, and forgive me if--correct me if I'm wrong, but there is a homeowner that moved in there at the same time, had a pitbull break through their fence and went after their other two dogs. He's the one that put the arborvitaes up and they all died and so, your point's well taken. It can lead to a safety issue.

Oliverio: Thank you. I do recall that from the audio.

Coppola: Anything else?

Boloven: Mr. Chair.

Coppola: Mr. Boloven.

Boloven: Couple of questions for the petitioner. Mr. Berry, I will state to you that 17490 Vacri did not make the complaint against you.

Berry: Okay.

Boloven: I actually did contact the person who made the complaint and they've chosen not to go any forward with any objection letters nor come to any of these proceedings which does state in itself--you know--their feelings as far as going forward other than an initial complaint. What I do wanna ask you is, the house five homes North of you, 17382 Vacri. Does that ring a bell? That address? It's got a privacy fence in the back that's about ten feet off the property line.

Berry: I know which one you're talking about, yeah.

Boloven: Okay. It's five buildings North of you. So, when I was walking Farmington Road/your subdivision, that one really stuck out to me and whether you're aware or not, screens are allowed as long as they're ten feet off the property line, and it seems that's what that homeowner did in that situation. If this Board were to reject your proposal this evening, is that something you would consider? Just moving back the fence into a screening area and satisfying your hardship of blocking the noise, blocking the lights, just ten feet off.

Berry: Respectively, I believe that home has a pool--a pool. So, that fence is there for the privacy of that pool.

Boloven: Mmhmm.

Berry: If there was not a pool there, I guess the question I would ask is would they put that there? I'm gonna assume probably not, but to your question, respectively, no, sir.

Boloven: Okay. Thank you, Mr. Chair.

Coppola: You're welcome. Anything else?

Turbiak: Mr. Chair.

Coppola: Mr. Turbiak.

Turbiak: Just a comment to piggyback on Mr. Boloven's question there. I believe I explored this. I can't remember if it was in one of our meetings or not. I think it was in the first meeting actually, and because of the double frontage nature, it's 35 feet from the other side of the property line. It's not like the ten feet like you could do in a backyard normally, in a non-double frontage scenario. So, I--like you said, I think it's cause of the pool, so, thank you.

Coppola: Okay, any other questions? Alright, seeing none, I'll go ahead and take audience participation. Mr. Berry, you can have a seat for a minute. Is there anybody in the audience that would like to speak for or against this petition? Appears not. Do we have any--

Klisz: Yes.

Coppola: --correspondence?

Klisz: We have three letters. First, letter of approval, Natalia Birko, 17233 Vacri Lane, Livonia (Letter read.) We have a letter of approval, Mary Catherine Agee-Buchfinch, B-u-c-h-f-i-n-c-h, 33418 Vargo, Livonia (Letter read.) Letter of approval, Rudolph and Mary Saenz, S-a-e-n-z, 17269 Vacri Lane (Letter read.) Those are the letters.

Coppola: Okay. Thank you, very much. Mr. Berry, anything you'd like to say in closing?

Berry: I should probably quit while I'm ahead in my mind. I know that there are ordinances and I know that there are reasons ordinances exist and I respect them as you all know, I spent twelve years on the city council in Dearborn Heights, and I sat listening to people and their hardships. A long--two meetings ago I think it was, I gave you twelve different properties I said that had the same zoning situation I did that had privacy fences. I have another four if you would like them, but no sense in me handing them out that also have the same zoning condition and privacy fences. Two of them are on--with homes that have homeowner associations that prohibit--in the association bylaws, prohibit side yard fences, yet permits were given for side yard fences. And this is not to discredit this Board, nor the city. I understand things happen. Also, if you look throughout the subdivision, the setback for sheds, the setback for--or even side yard fences, these things all exist and they exist without complaint, so I am not complaining about them, but what I am saying is that there are exceptions and people can accept and understand that hardships that people have. So, maybe I should just shut up right now. I'll just leave it at that. Thank you very much.

Coppola: Alright, thank you very much. I'm gonna close the public portion of the case and start the Board's comments with Mr. Klisz--Secretary Klisz.

Klisz: Thank you, Mr. Chair. I won't belabor the point. We've had this meeting multiple times. My position is consistent. It was always in favor of this, and I will continue to be in favor of this. I think the--it's pretty much just come down to a vote. We've laid out our positions. I don't think they're gonna change, but we have the petitioner doing his best, putting in all the effort and going to each neighbor to get their approval. They've agreed that if they come forward that they would use the same style of fence and so on. So, we've met the--at least initial requirement to kind of alert everyone that if someone comes from this street asking for a fence that they will follow the lead of the petitioner. So, based on that I will be in support.

Coppola: Alright, thank you. Mr. Boloven.

Boloven: Thank you, Mr. Chair. I agree with Secretary Klisz. From the beginning as well, I've been in support of this. I believe the hardships have been met, uniqueness has been met, but more importantly the consistency within the community, other subdivisions right up the street have this, and it hasn't (inaudible). Nothing was ever done, and over the meetings that we've had on this case, those (inaudible) examined. I reassure this is gonna be policed by this Board. Every single fence that's gonna go up along Farmington has to come in front of this Board. We discussed that last time. I would like to see some greenery on there as part of the condition. Like I mentioned last time, a double fine because the permit went up. My only last little addition that I'll have to this and I--I recognize the Board members in the opposition of the greenery and the change and what this could do to that road--you know-- and then as I'm driving home, when I drive past this two, three times a day, I see this screen put up over the last couple years at Stevenson High School. That's technically still Frankavilla right there. That was wide open green space and now what do you see? A fence with a logo and a screen and that didn't come before this Board, that--again, public school maybe they got

a different standard. It's a cyclone fence, so maybe that's another reason why, it wasn't a privacy fence, but to say that we're not applying our rules consistently when the neighbor right there that's connected right in that subdivision puts up a blocking mechanism so you can't see anything there, it--it doesn't make sense to me to turn this one down. So, again, I'd be in support of this petition, with the conditions that I've stated. Thank you.

Coppola: Alright, thank you. Mr. Testa.

Testa: Thank you. I was gonna make a joke about tabling, but it probably wouldn't go over well. The past few meetings I have voiced support for this. I'm still in support of it. My main rationale is similar to Mr. Klisz. The other point is that there has been no objections from your neighbors. I think you've done your due diligence like we talked about last time, getting those signatures, and to whomever kind of called you out on the fence originally, looking back at the pictures that they did when that fence first went up it was very unattractive. You have stained it. I think it blends in well. I drove by with my wife, and she didn't even catch it the first time, so, the next day when we drove by it again, I had to point it out, and she goes oh yeah, that blends in well. So, I think you did well making it blend in, so I appreciate that, and like I said, I will be in support of this.

Coppola: Alright, thank you. Mr. Turbiak.

Turbiak: Thank you, Mr. Chair. So, I actually have been against this up to this point--well, I shouldn't say I've been against it. I haven't been ready to approve it. I think my comment at the last meeting was I'm not quite ready. So, I have had some time to think about it, and just jumping off Mr. Testa's comment, it has kind of grown on me. Visually, it doesn't stick out as much. I do--if this does get approved tonight, I would like to recommend a condition for--you know--a certain percentage of foliage, and I know that might be difficult to enforce, but I think it does go a long way to helping it keep the character of that area, and I think another thing that falls in favor of this particular home with the privacy fence going against what has traditionally been there is it's proximity to commercial. I think that it was mentioned by one of the neighbors about people cutting through yards. I think that can apply. This is, I think, just the second house North of that commercial section, so I don't--I don't know how far up the road I would feel comfortable, and we're not gonna get into that in this meeting, as it was mentioned by Mr. Boloven, the future board, whoever's on at the time will have the ability to control what fences go up and how they look. This is in no way a precedent that every fence along--in Frankavilla that has double frontage on Farmington is--is green (inaudible)--you know--I think it's specific to the traffic. The location relative to the driveway across the street. The traffic that comes out and the nuisance of the light and yeah, so, my fear is that aesthetically if this were to extend very far, it--it would not look aesthetically pleasing. What else do I wanna talk on? Last meeting, I think it was mentioned a double permit fee. Actually, based on my understanding of how we got here, how Mr. Berry got here, it sounded like he made a good faith effort and was misled or there was a misunderstanding maybe, and so I think it's no fault of his own. He did try to do some research, again, he might have been able to do the research better, but--gotta take a

breather, it's a long one. Tight mask too. So, I would not be in favor of a double permit. I wanna emphasize for the record and the benefit for any future boards, I might have already started to do this, that it was not decided lightly if--if this is approved tonight, as reflected by the multiple hearings it took to get to this point, and I talked about the precedent. And just to clarify that, I don't even think it would be a precedent for the homes between McNamara and the commercial at Six Mile. So, again, each case is gonna have to stand on its own merits in my opinion. So, for these reasons, I would be in favor of supporting this tonight.

Coppola: Alright, thank you. Vice Chair Baringhaus.

Baringhaus: Thank you very much. Basically, as we discussed going through the hardships, just a couple things came to light. Visibly, the location of the--Mr. Berry's home relative to the commercial property, it does sit--Mr. Berry's home does sit North of the property itself. I think he has seen some traffic coming out of that parking lot, whether it's traffic that's turning onto Farmington, which basically kind of elongated the beams that are coming onto his house as well. As I said--you know--the range of a low beam headlight is only 160 feet and there's a lot of space associated with this variance. I mean, Mr. Berry's backyard--he doesn't sit adjacent to a shopping mall. He doesn't live adjacent to Farmington Road. He's at least 67 feet off Farmington Road. He's 184 feet from the entrance to that mall on a diagonal, and then he's over 400 feet from the actual buildings of that shopping mall as well, so there's quite a bit of distance involved with this variance. The other thing too is that even with the traffic coming out of the mall, there's still trees and shrubs in front of his house that was serving as a filter for this light. He reduced that filtering ability when he removed 100 feet of green belt from the rear of his yard itself. The other thing that I was curious about is the fact that he was uncomfortable with the traffic at the Secretary of State's office on weekends. I couldn't quite understand that (inaudible) sounds like just the conversation that he had with one individual burning wood. Mr. Boloven brought up a point that with all the fences in the city he doesn't think it's consistently enforced. Yeah, the rules for those fences are not consistent, and the reason why is that the building inspection department explained that those variances were revised in 1993. So, really, when you look at fences in the city, you're looking at multiple ordinances that are governing the construction of those fences itself. We did do a review of those fences as Mr. Boloven indicated. Generally, most were based on variances, one or two weren't. Those are gonna be tracked down as well. The other thing that concerns me is at the beginning of the meeting, Chairman Coppola will read that the variance can be granted if it's consistent with the city's master plan. Now, as I pointed out with the Livonia Vision 21 Master plan, it contains a number of strategic objectives. One in particular, strategic objective 3-2, which calls that the city goal is to restore, conserve open spaces, water ways, tree canopies, and other natural resources to increase resilience (inaudible) adaptability and biological integrity. Now, in my opinion, a green belt clearly falls under those guidelines. Now, Mr. Berry, when he started down the road, in an earlier meeting, acknowledged that one, the entire area basically along Farmington from Six Mile to Curtis Road was a green belt. He also acknowledged the fact that in that area between Six Mile and Curtis Road, he had the only privacy fence installed in that area. Why? Because he removed 100 feet of green

belt that was originally there. That is not compliant with the Livonia Vision 21 plan. Therefore, it really doesn't--shouldn't be considered for a variance itself. That's one of my main concerns, so, based on the fact that in terms of hardships--I think he does have one, because he does live next to Farmington Road, however, when he purchased the home, I feel he accepted that variance and chose to live with it. But again, there is a lot of space. He is--he is by Farmington Road, but he's 91 feet from Farmington Road. He does live by a shopping mall, but that shopping mall--mall is across Farmington at a minimum 184 feet from the rear of his house, shielded by a number of trees between the entrance to the mall and the home itself. And then lastly, again, the action of removing 100 feet of green belt from Farmington, clearly isn't in the spirit of the Livonia Vision 21 plan. So, based on that, I will not be in support of the variance. One other thing too. Going back, we said there was an agreement that Mr. Berry would go and get his neighbors to agree to build similar fences. Now, I didn't quite hear that, because in the first meeting, I believe the discussion centered around Mr. Berry obtaining a uniform plan for all fences within that area between Six Mile and Curtis, so all neighbors would have one type of fence installed concurrent with Mr.--and he was given six months of no enforcement of the ordinance to do that. Mr. Berry agreed to that. The next meeting, he didn't have a plan. He had three neighbors supporting the fact that he--they would agree to build a fence similar to his when that--when the time came for them to do that. At that point, another term was discussed. Homogenous plan was requested by the Board. Mr. Berry, from the June meeting, went out, came back, and came back with a letter of agreement. There was no plan, again, for the second time. So, based on those two actions, whether it's through misunderstanding, not clearly understanding the directives, he was asked on two occasions to submit a plan for those fences that would allow--you know--the construction (inaudible) so there would be uniform going down the road, instead of having just this--a lot of mismatched fences in that area that I described. So, I guess the way I look at it, while--you know--this passes and the Board chooses to resolve a hardship for Mr. Berry, by allowing this fence to stand, I think what the Board's gonna be doing is creating a community hardship, because now you have an area of Livonia, highly visible, that was a consistent green belt, that's now gonna be intermixed with various types of privacy fences. So, again, I will not be in support of the variance. Thank you.

Coppola: Alright, thank you. Ms. Oliverio.

Oliverio: Oliverio. But I'll give you a pass on this one.

Coppola: I'm working on it.

Oliverio: It's okay, it's a mouthful. I--I also agree. I think considering the Vision 21 in the master plan is critically important, so what's more important to me in this is that--you know--we're not just thinking about right now. We're also thinking about what the future's going to be. If there's some--you know--crystal ball here a little bit, but understanding the master plan and what is in that plan in terms of new developments, changes in traffic flow are just as important as the greenery aspects of it and it's all--it's about balance, right? So, I think it's about balance. I already talked about the safety

situations, especially knowing Livonia Family First. We're trying to attract new families--young families to come to the city to help our schools--you know--help the city in general and I do think, to that point, I would be in support of.

Coppola: Alright, done?

Oliverio: Done.

Coppola: Alright, thank you. Okay, I'm gonna try not to rehash a bunch of stuff that's already been said. I think I made my position pretty clear early on. But let me--let me start in this sense. I think when you consider this petition, you gotta look at it as if the fence doesn't already exist. So, the question is--what you gotta think about is, if this petition came before us, there was no fence that had already existed, would you have allowed that fence to go in, number one, or if you did allow it to go in, number two, would you have allowed it to go in abutting the sidewalk? Right now, it is up against the sidewalk. There is zero space or very little space, but basically zero space. It's butting up against the sidewalk. So, as you--as you put your final thoughts together, think about if this came in, clean slate, no fence existed, would you approve this as it was--as it would have been proposed, a six-foot privacy fence smack up against the sidewalk. Now, the other things that I've stated before, the subdivision's been around for 45 years. This is--this is not a new hardship. Farmington Road's been there longer. Many families have been raised in those houses. That's a family subdivision. They're four--three- and four-bedroom ranches and colonials. I don't recall many--many--if any, serious injuries, accidents to children. There's been fences there all along. There's been landscape shielding for years and years and years, as I agree that a lot of them need some--some attention. They're--some of them are still 40 years old (inaudible), but there was a homogenous look. It was a split rail fence with landscaping. It provided shielding and privacy to families for 45 years. And there are alternatives. Mr. Berry has all the alternatives. He can go with landscaping. He can go with a privacy shield. There's other alternatives. He could have come in and said can I do it and move it ten feet back. So, there's alternatives to this. In regards to some of the thoughts that there's other houses--I think Mr. Boloven brought up the fact and Mr. Berry brought up the fact, there's other houses that have fences that have similar situations--dual frontage--number one, there might have been a bunch of them that were there and they're grandfathered, not much we can do about. They existed when--when the variance was changed. And number two, they may have been approved. Matter of fact, I think I recall we approved--we approved one, maybe a year or two ago, but we did require that they put it--I forget, it was twelve or fifteen feet back from the property line, and it really wasn't on a busy street to start with, so there wasn't a lot of visibility on those. But each--each petition for a variance stands on its own. So, to say they got one and so therefore, we need to give this person one really is--is a fallacy. It's not a (inaudible). Anybody that's taken philosophy knows that that's not a good argument. As to--someone brought up the point of Stevenson and that fence, and I agree with you. That is the most god-awful looking fence I've ever seen. Unfortunately, there's absolutely nothing we can do about that. They are exempt from our zoning. I wish I could, just like the sign for the dome off 275, I wish there was something I could do about it, but there's absolutely nothing we can do

about it. No objections from the neighbors were brought up, and there was one from Vargo, which I thought was helpful, but throughout the cases that we've had, all of those no objections came from neighbors that live on Vacri that most likely, probably would like to have a fence too, and so--you know--this opens--kind of opens up the Pandora's box for this. So, I think you all know from the beginning that I'm not for this. I think that what I said is--I get living on Farmington--Farmington Road is not ideal. Those houses have been for 45 years. People have lived there for 45 years, and they've dealt with it. But I get it. And perhaps if there was a--a result or a solution that didn't create a hodgepodge of different things--I gotta--let's say we allow this and the plan is right now, anybody else that wants a fence has to kind of put the same thing. Well then, I've got a fence on this lot. Two lots down I got a fence. In between, I've got arborvitaes and then the next one I got nothing, and so, I've got this hodgepodge of stuff that the community has to look at. You know--a lot of times that we're look--specifically these fence ordinances, we ask the neighbors--we take a lot of credence into the neighbors that back up to--to where--the property that we're giving a variance to, because those are the people that are impacted. Well, for this fence, the community is impacted. They're the ones that are gonna have to look at this. And I'll admit, Mr. Berry's kind of off in the corner. It's really hard to see. Well, wait 'till they all start pumping up along and they go more towards McNamara, then make their way towards Curtis. You're gonna notice that. And that's something that we've created and we're gonna have to look at forever. So, again, I ask you to think about what we're doing, look at the impact to the community, and I'd like you to think again about the fact that--think about it in the fact that the fence isn't there. If he came in with a petition with nothing up right now--you know--it's a complete blank sheet, is this something really that you would've approved? Okay, I will open up the floor for a motion.

Motion by: Klisz. Supported by: Boloven.

RESOLVED: APPEAL CASE NO. 2021-05-20 (Tabled on November 16, 2021): An appeal has been made to the Zoning Board of Appeals by Thomas Berry, seeking to maintain a six-foot-tall privacy fence, erected without a permit, at the rear of a double frontage lot, resulting in deficient rear yard setback.

Rear Yard Setback:

Required:	35 feet
Proposed:	zero feet
Deficient:	35 feet

The property is located on the east side of Vacri (17202), between Vargo and McNamara, Lot. No. 036-01-0018-000, R-3C Zoning District. Rejected by the Inspection Department under City of Livonia Fence Ordinance, Section 15.44.090A(3), "Residential District Regulations," **be granted for the following reasons and findings of fact:**

1. The uniqueness requirement is met because of the circumstances of the changing structure of Farmington Road.

2. Denial of the variance would have severe consequences for the petitioner because the petitioner would have to remove the fence and suffer the light and sound atmosphere.
3. The variance is fair in light of its effect on neighboring properties and is in the spirit of the zoning ordinance because of full neighbor support and no objections.
4. The granting of this variance will not adversely affect the purpose or objective of the Master Plan because this property is classified as "Low Density Residential" under the Master Plan and the proposed variance is not inconsistent with that classification.

FURTHER, the variance be granted with the following condition:

1. That the petitioner is to maintain living foliage upon the Farmington facing fence 20-50% coverage of area by September 2022, then 75% at least by September 2023, and beyond.
2. That the petitioner provide the Board with the material used and color of stain.
3. That the petitioner pulls a permit.

Coppola: Discussion?

Boloven: Secretary Klisz, based on Mr. Turbiak's comments. For the living foliage, do you wanna do a certain percentage? Is that something that's feasible?

Klisz: Did you have an idea on that, Joel?

Turbiak: Yeah, I'll propose an idea as a starting point. I agree with the question that Mr. Boloven raised, because my concern if we just say living foliage, he could have one vine and that's clearly not the intension--

Klisz: Sure.

Turbiak: --of the condition. So, I think--and again, I don't know how fast these things grow, so for--from now until September, I think we'll be generous and say 20-50% should be the goal, and then the goal by the following September of 2023 should be like 75%--you know--roughly--you know--something that covers a majority of it and is gonna help hide the fence. The fact that it's been stained and kind of been there, while it is helping it to blend in, in my opinion, but that's what I'll put as a starting suggestion.

Klisz: So, 20-50% by--

Turbiak: September of 2022 and then 75% by September of 2023, gives it another growing season and there on forward--you know--roughly 75%.

Coppola: Okay, so, if the fence abuts the sidewalk, where are you planning this greenery?

Turbiak: I measured about 12 inches between the fence and the sidewalk last time I was at the property.

Coppola: Okay, so then--and who's gonna police this--these percentage increases over the couple of years?

Turbiak: Well, to be quite honest, I think it's probably not necessarily gonna be policed, but if it becomes an eye sore then we'll have something to hang our hat on to enforce.

Coppola: And how do you define an eye sore? So, if they're right now--

Turbiak: Anyone that wants to--

Overlapping talking.

Turbiak: --bring it to the city, then I don't know.

Coppola: You're saying it's not even noticeable, so if there's no greenery are you--I mean, who--who--I mean, who's--what's the definition of an eye sore?

Turbiak: If there's someone that wants to bring it to the city, then that would be their right.

Coppola: So, they'll make a complaint, say it's an eye sore, and then how is--how is the inspection department supposed to make a decision whether it's an eye sore or not?

Boloven: So, do you want it to be 100%?

Turbiak: They can use an estimate of the percentage to see if it meets it. I mean, again, I didn't put anything about an eye sore in the condition.

Boloven: Just make it a--

Turbiak: The condition is numerical so that it can be fairly, accurately measured.

Berry: Mr. Chair.

Turbiak: That was my intention.

Berry: I know my portion of it is done, but may I make a suggestion?

Coppola: It's out of order, but I'll allow it.

Berry: Would the Board put a condition that I appear again in April and then again in September with pictures of the foliage to support the requirements? I'll be happy to be here.

Turbiak: That's not necessary in my opinion. I think that--you know--if we have it in writing and if he doesn't keep up the condition then--you know--the variance would no longer be valid and he'd have to bring the fence down. So, I think he's gonna be very motivated, it sounds like it is--he said it's a reasonable request. I think the percentages are reasonable?

Berry: More than reasonable.

Coppola: So, how about five years from now?

Turbiak: Could you be more specific?

Coppola: So, who's gonna monitor it five years from now?

Turbiak: Again, in my point of view, the intention isn't that someone should go out there at any specific time frame to check on it. It's if somebody wants to complain about it and take action, then we could go and say well yeah, you only have 20%, you're supposed to have 70%. Clearly, you're not in compliance. You need--you know--give him some time probably to be reasonable--the city's pretty reasonable--to get within the condition or if he can't or refuses, or there's a new owner and they don't want to, then they would no longer have a variance because it's conditioned on that--that definition that the foliage of 75% roughly at all times after September 1, 2023.

Coppola: So, when you say 75%, you're talking about the coverage of the total area of the fence or just the linear? What are you talking about?

Turbiak: Yeah, so my--again, in my head, if you were to stand perpendicular to the fence--you know--roughly to the center, I guess it's about 100 feet of (inaudible) 50 feet from each end of his side property yard--you know--maybe at the road, snap a picture--you know--and just estimate. Just like when you do like a population estimate, use like a grid.

Coppola: Well, you misunderstanding. You're talking the total area of the fence or just linear of 100 feet. So, in other words--

Turbiak: Yeah, yeah. Top to bottom. Left to right. The total area of the fence.

Baringhaus: Mr. Chairman.

Coppola: Vice Chair Baringhaus.

Baringhaus: Oh, thank you. Question for the building Inspection Department. How does the city police landscaping that is considered an eye sore, unattractive or unsightly? What are the current standards today?

Stierna: It'd be via complaint. We do of course keep records and refer back to them in such case of a variance or a council resolution. We do refer back to those during plan review.

Coppola: But you also make observations when you do drive arounds?

Stierna: If we note them during a drive by, yes. We'll follow up on them.

Coppola: So, you're saying 70--up to 75%--has to be at least 75% of the total surface area of the fence--

Turbiak: That's my intention.

Coppola: --covered by foliage.

Turbiak: That's my intention.

Coppola: So, you need--are you in agreement with that, Mr.--Secretary Klisz?

Klisz: Here's what I now have. Petitioner to maintain living foliage on the Farmington Road facing fence. 20-50% coverage of area by September 2022. 75% or more by September 2023 and beyond.

Coppola: Okay. Anything else?

Boloven: Secretary Klisz, the only thing I would add--I know this was already built and normally we do a condition of built as presented. As we're gonna use this case as a policing case going forward for any other fences that might pop up, maybe put a timeline in that the petitioner has to present materials used, type of stain used, items for our record for when this comes back before the Board on another fence.

Klisz: Sure. I would assume that--

Berry: I have it.

Klisz: Okay. Petitioner to provide--

Coppola: Well, you still have to pull a permit, right?

Klisz: Yeah. Petitioner to provide material used and color of stain, and he has to pull a permit.

Baringhaus: Mr. Chairman.

Coppola: Vice Chair Baringhaus.

Baringhaus: How will future fence owners along this strip know that the fence that they're proposing to build is not compliant with city code?

Coppola: Well, they're gonna--they would have to come in and--proper procedure is you come, and you pull a permit.

Baringhaus: That was never noted on the letter than Mr. Berry submitted earlier. The one--there's no reference--Mr. Boloven's point, yes. we do need materials, specifications on the fence. Two, there was no reference about consulting the building and inspection department and three, there's no reference about pulling permits for the fence. So, how do we ensure that we don't repeat this again?

Coppola: Well, if the--the petitioner stated that he had a conversation with some of the building department and he asked if he needed a permit to replace his fence. I would think the general answer is, to replace or repair there isn't a permit. What--what didn't happen I think is that there was a miscommunication--not a full--you know--full disclosure of what he was actually doing, and he may not have provided his property address either. Don't know. Wasn't there. And I think all that the petitioner stated was that--you know--he asked the question about do you need a permit to replace a fence. So--so, he got a response based on general, most cases, to--let's say, you had a--you had a--already had a privacy fence, do you need a permit to replace a privacy fence? Basically, you're repairing in a sense. No. You don't. So, that's the answer he got.

Turbiak: Mr. Chair. I haven't read it recently, but--and I'd like to check with Mr. Stierna, but my understanding is that if you have an existing legitimate privacy fence and you need to do--depending on the type of maintenance that you're doing, you--I believe you do need a permit. If you're just painting, obviously you don't, but if you're replacing a panel, or maybe it's a certain section--Mr. Stierna, could you comment on that and clarify, please?

Stierna: No. You would not require a permit if you were replacing a couple sections of a fence. They usually--I think the percentage is 50%. Breakout point. Anything beyond 50% (inaudible)--

Coppola: So, I think there was a miscommunication.

Turbiak: Sounds like it.

Coppola: And that's why it happened. So, at least that's my perspective.

Turbiak: I can see it.

Coppola: So, another--another homeowner along Farmington on Vacri would hopefully come in, and hopefully--basically, I would assume that lives there right now probably knows they need a permit. So, there's no question there, but homes do turn over. They'll have to come in and ask for a permit, and they're gonna say you'll need to get a

variance, then they'll have to come to us. If we do what we're supposed to do, we'll make sure we pull--you know--pull a similar variance rule, and so, hope--you know--if it happens fifteen--eight years from now--five years from now, I'm not sure that's gonna happen. But if it happens this year, next year, it likely will happen. Some of us will still be here. If not all of us. Whether we like it or not.

Turbiak: Mr. Chair.

Coppola: Mmhmm.

Turbiak: To Mr. Baring--I'm sorry, Vice Chair Baringhaus' concern about preventing this from happening again, maybe we could ask--I don't know if it's Mr. Stroble or Mr. Hannah to discuss this with all of the people that would field this type of question so that they--when they're asked this that they specify their questions--you know--what kind kind of fence is it currently, what kind of fence is it changing to, if at all, and maybe just a refresher of the Inspection Department team that's fielding the questions.

Coppola: We can definitely bring it up with Mr. Hannah. If you'd like.

Turbiak: Say that again, sorry.

Coppola: You can bring it up with Mr. Hannah if you'd like.

Turbiak: Sure. I will. Thanks.

Coppola: I think they generally do a good job--you know--everybody has--things happen.

Turbiak: It was a miscommunication. Yeah.

Coppola: Yeah.

Turbiak: Yeah. Things happen.

Baringhaus: Mr. Chairman. I agree with your comment because if you just go in--go online and enter Livonia fence ordinances, there's more than enough information available to you to properly get direction on the resources that you need to build a fence, and actually, the building inspection department puts on an excellent guide on how to--it's a PDF document that answers a lot of your questions up front on what's needed to construct a fence, and front and center on that is, you need a permit.

Coppola: One other comment, Secretary Klisz. In your--I forget what the proper term is--in your motion basically, you stated that a hardship was he had to remove the fence. Are you sure you want--want that in your motion? Since the fence was put up without a permit in violation of city ordinances.

Turbiak: May I interrupt?

Coppola: Yes.

Turbiak: One thing that I noted in my closing comments is that Mr. Berry did make an effort to do some research and he did talk to someone from the city and again, maybe there was a miscommunication, but I think--I think, again, I wasn't there, I didn't hear the conversation--that argument could be made that the person from the city should have asked better questions and made sure that they were giving the proper information given the importance of the direction that it resulted in.

Coppola: Okay. But I want to go back to my question to Secretary Klisz. In your motion you stated that removing the fence was a hardship.

Klisz: Yeah, it is.

Coppola: You--you think that removing a fence is a hardship?

Klisz: Yes.

Coppola: Even though the fence was put up without a permit?

Klisz: Correct.

Coppola: In violation of city ordinances?

Klisz: Yes.

Coppola: Okay. Alright, go ahead.

Klisz: Is Mr. Boloven in support of--

Boloven: Support.

Klisz: --all the changes to the motion?

ROLL CALL VOTE:

AYES: Turbiak, Testa, Oliverio, Boloven, Klisz

NAYS: Baringhaus, Coppola

ABSENT: None

Klisz: Passes 5-2.

Coppola: Okay. Mr. Berry, you're all set. Do you understand the conditions?

Berry: Yes, sir.

Coppola: Okay.

Berry: I appreciate the positions you took. I appreciate the work you do. It was an honest mistake and I appreciate the experience. Thank you so much.

Stierna: Mr. Chair. Quick clarification, will Mr. Berry be pulling a permit, and will it be a standard fee?

Coppola: Yes.

Klisz: Yes.

Stierna: Standard fee?

Coppola: He was required to pull a permit and it will be a standard fee.

Berry: Tomorrow. Thank you.

APPEAL CASE NO. 2022-01-02: Affordable Dentures & Implants, (Allied Signs),
33650 Giftos Dr., Clinton Twp., MI 48035, seeking to erect a wall sign resulting in excess wall sign area.

Wall Sign Area:

Required:	50 Square feet
Proposed:	90 Square feet
Excess:	40 Square feet

The property is located on the south side of Schoolcraft (28535), between Middlebelt and Inkster, Lot. No. 097-02-0001-000, C-2 Zoning District. Rejected by the Inspection Department under City of Livonia Vision 21 Sign Ordinance, Section 11.08 (3), "Residential District Regulations."

Coppola: Okay, thank you. Mr. Stierna, anything you'd like to add? Mr. Stierna, anything you'd like to add?

Stierna: Nothing at this time, Mr. Chair.

Coppola: Any questions for the Inspection Department? Alright, seeing there is none, if the petitioner could step up to the podium. Name and address, please.

Bongiorno: Bob Bongiorno. 33650 Giftos Drive, Clinton Township. I'm here on behalf of Affordable Dentures and Implants to get a variance for additional wall sign square footage.

Coppola: Mr. Bongiorno, are you the sign--from the sign company or are you--

Bongiorno: Yes, I am. I'm from Allied Signs.

Coppola: Okay. Thank you. Okay, continue. I'm sorry.

Bongiorno: I'd like to start off, I actually wasn't scheduled for this ZBA meeting. The gentleman that was going to handle it had knee surgery, so you're stuck with me, but I've been in the sign business for 40 years, and before any ZBA meeting that I've attended, and I've attended a few of them throughout the years, I stop at the locations to get a feel for the job. Like I said, I wasn't scheduled to do this, so prior to the meeting I went over to see what it was like. The location of the building for customers, location of the property, and out of all the ZBA meetings I have attended for, most customers had hardships. Some customers just wanted a bigger sign. But after going to this location, I could see where a variance for this particular customer, a variance would do them well. Based upon the setback from Middlebelt Road, you can't even see that little strip mall plaza. The entrance ways off Schoolcraft, there's only two of them. The first entrance to get close to that plaza is right where the Hook and Reel restaurant is, which totally blocks that little tenant--multi-tenant building behind it. But being at that entrance, it's

very hard to see any signage on that building whatsoever. And if you miss that entrance into the plaza, the second entrance is actually behind the whole complex. There's another street behind there that you can gain access to. By that point, Panera Bread's building sticks out further than the rest of the plaza--sticks out more than the other tenants in that plaza. So, if you miss the first drive, and you catch Panera Bread, which sticks out further than the buildings that are recessed in, around three feet, it would be very hard to see a sign of that size on their building. Now, they're renting out two spaces, not just one. The other concern I have with that is, their legal corporate name is very long. There's a lot of letters there. So, Affordable Dentures and Implants is a lot to say in a small area for a sign. We're proposing 40% more increase in square footage to allow the letters to be bigger being that there's so many of them. Plus, another concern that we have is, with Affordable Dentures and Implants, most of the customers for this particular business are going to be elderly people and as you get older, as I am, your eyesight starts getting a little less--it's harder to see. It's harder to read. So, being so far back in that plaza with elderly people looking for this particular business is gonna be pretty tough, and being an independent business like this, neither--perhaps the one-to-one rule that is the code for signage right now in the books, maybe back years ago before--it's been a while since I've been at Schoolcraft and Middlebelt on the corner, boy has it grown. It is congested there. There's buildings and signs and businesses all over the place. Now, the bigger box stores, Home Depot, Costcos, they have signs that people can see from the roads--from the intersections, but the mom and pop stores like Affordable Dentures and Implants, it's kind of tough to see them in that small building with a smaller sign. So, based upon their location that a little bit bigger of a sign will benefit them succeeding in that plaza. You know, with mom and pop businesses, being in brick-and-mortar stores nowadays, competing with your Amazons and FedEx and all this online ordering stuff, it's getting harder and harder for small business people to have brick and mortar stores, and we feel that a little bit bigger of a sign, being that they're in two tenant spaces, would be a lot more beneficial for them. We're only talking--with the size we're asking for a variance for--we're only talking like sixteen-inch letters. That is not very big from fifteen--2000 feet away where that first approach is. And you only get a split second if you can even see it. I stopped over there and drove--drove through that entrance and took photos. It's very difficult to see that building the way it's set up. And as you go past it, the next entrance, like I said, is behind the whole plaza and Panera Bread sticks out further with their brick work that if you don't catch it just right, you won't see it at all. So, we're here asking the board for a variance for a little additional square footage for a wall sign.

Coppola: Okay, thank you. Questions for the petitioner?

Baringhaus: Mr. Chairman.

Coppola: Vice Chair Baringhaus.

Baringhaus: When you obs--when you observed the signs of the competitive stores in the area of this building, I was surprised--not surprised, but it seems like the signage is

very streamlined. It's smaller size scale as opposed to larger around that, so, what are your thoughts on that, making it more proportional to the existing signage in the area?

Bongiorno: Such as--

Baringhaus: Such as, you're proposing a very large sign for Affordable Dentures and Implants and businesses in the surrounding area like, I'm trying to look at the picture here, (inaudible)

Bongiorno: There was a clips--Super Clips, I think it is.

Baringhaus: Yeah. Leo's Coney Island--

Bongiorno: That's--they have a pretty big sign.

Baringhaus: --Wing Stop. I mean, all of these have much smaller signage than what the petitioner's proposing.

Bongiorno: I--I don't know exact square footage of those locations, but they are much bigger than what the one-to-one would be at 50 square feet. Leo's Coney Island is a corner unit and so is Panera Bread. So, based upon the size of the building, their signs are bigger than what would be allowed for this two-space rental for this dentures, implants. So, they are bigger signs there already, so this would actually look more in--in the same as Leo's Coney Island and Panera Bread size wise. It would be more uniform in that plaza. Super Clips is super small in there that you can hardly see that. The other sign that was there before was, I believe it was a Weight Watchers or--

Baringhaus: There was a Weight Watchers.

Bongiorno: Yeah. Which--I'm looking at the photo, I think everyone has a copy of it, you can't even read it on the sheet of paper, let alone from the approach driving into the plaza to make out these little signs. You know--at one time I'm sure--you know--I remember years ago--there's just so much in these plaza's going on that the signs that are up there now look like little stamps on some of these buildings. And I understand--you know--like I said, Costcos and Home Depot have--you can see those from the intersection, but for the little guy, it's very hard to see especially--it's a long name. it's a long name for a business but you sure can't abbreviate it. Like I said, 99% of their customers are gonna be elderly people for dentures and implants. You know, for people not to be able to see, it gets frustrating for older people--you know--it's confusing, it gets frustrating. I remember my mom and dad looking for something and getting frustrated because they--it wasn't easy for them to find, ready to turn around and go home--you know--so, I think a little bit of a bigger square footage for this customer would work out great for the consumer.

Baringhaus: I saw photographs, they have other stores in Michigan, like in Muskegon area, Grand Rapids area, and Kalamazoo area, they seem to have some variation in

the signage that they use on the buildings. One instance, they took the words Affordable Dentures and Implants and actually stacked it into three rows with the picture of a--I guess a tooth logo is on the left side was one variation of it. And other stores, they just called it Affordable Dentures and left the rest of it off. Did they consider alternative designs, where they would condense the width of the sign down by using three lines to identify the signage on the building as opposed to one?

Bongiorno: Now we--we could take the Affordable and stack it above Dentures and Implants to condense it and have it stacked with using the--with the additional square footage to keep the size of the letters visible and then move the logo to the left of the stacked letters. We could do that. I think the customer would be willing to do that. I think that'd be a good compromise for the customer. I don't know if this is like a national chain as far as like--that's their legal uniformity for franchise for this particular business or not. I don't know. But I'm sure stacking it would be a great option, and a compromise at the allowable square footage we're asking for. It wouldn't do any good to stack letters and they're gonna be small anyways. It'll still be hard for the consumer to see.

Baringhaus: Okay, thank you.

Boloven: Mr. Chair.

Coppola: Mr. Boloven.

Boloven: Question for building department. Of the signs that are currently there or were there, you have Leo's Coney Island, Wing Stop, IdentoGo is where the petitioner's moving into, Weight Watchers, Great Clips, and Panera Bread, any of those signs have an overage on our zoning?

Stierna: They do not.

Boloven: Question for the petitioner, I see a monument sign right at the entrance off of Schoolcraft. It seems like that monument sign has all the big box stores and some of the smaller ones. What's the requirement, if you know, to be put on that monument sign?

Bongiorno: I--I would assume that that monument sign at this time is at the maximum--maximum allowed square footage, when the sign was originally built. So, any tenants that are up there now, I don't think they'd be willing to share their section of that sign to add somebody new coming into the plaza, and you know, a lot of people come and go in and out of stores, so I don't think anyone established, or the big box stores would wanna share any of their space that they have as of now.

Boloven: Your sign you're requesting is 80% over what's allowed. If you were able to double stack the letters like Vice Chair Baringhaus suggested, how much could you scale that down to get closer to the allowable square footage?

Bongiorno: Without being--you know--doing it on the fly like this here, we probably--by stacking it and do sixteen by sixteen, probably about 20 feet long, so probably like 60 plus--you're probably around 70 square feet if you stack it. And that's an estimate based upon me standing here looking at it. But it would basically be two sets of sixteen-inch-tall letters, Affordable, and then Dentures and Implants underneath it, so that's 32 inches plus a little bit a space between them, so you're looking at probably three feet tall, 20 feet in length, and then the logo is roughly like two by two, another four square feet. So, you're probably, if you stack, you're probably looking at about 70 square feet without being at my computer redesigning this.

Boloven: Thank you, Mr. Chair.

Turbiak: Mr. Chair.

Coppola: Mr. Turbiak.

Turbiak: Thank you. Through the chair to the petitioner, is it Rob or Bob?

Bongiorno: Bob.

Turbiak: Bob. So, I appreciate what you just did there on the fly, I have done some calculations earlier with a similar configuration and came up with also about 70. What I didn't do early and did just now was what Vice Chair Baringhaus mentioned was the triple stack. So, if you went--you know--it looks like they're about 27 characters in--you know--not counting the logo, in that 27 foot eleven point eight inch section where that says Affordable Dentures and Implants, so it looks like it's about a foot a character, and they're actually pretty equally--you know--about nine letters in each one, so if you took the nine feet and triple stacked it, right, so you'd have nine, plus the--I said three feet for the logo just to give it some spacing, plus it's like two point--two feet plus seven point five inches wide, so yeah, so you'd take that twelve across and then it's--you said sixteen inches, so sixteen and sixteen is 32, and about sixteen is 48. That's four feet.

Bongiorno: Plus, spacing.

Turbiak: Right. Right. So, not counting the spacing, but just--you know--acknowledging you need the spacing but for simplification of calculations, four feet by the twelve feet is 48 feet which is just under the 50, and so you're basically there plus spacing, you might squeak over a little bit. Do you agree that that is a reasonable calculation for the triple spacing?

Bongiorno: One thing--one thing is this with the triple spacing, I'm not sure on the measurement of the façade, the (unknown) area. I don't know if we'd start exceeding the sign ban area of that building before you start getting into the top section of the roof line or below the--below the underhang and also with triple stacking it, everyone always--America way is to read left to right. Okay? So, if you stack it too much, it gets kind of harder to read cause everyone naturally--naturally read left to right when you look at

something. Double stacking, it's not so bad. Triple stacking it, it gets a little bit more confusing for some people to read triple stack and it starts blending in--the letters start blending in a little bit more like a puzzle.

Turbiak: Yeah.

Bongiorno: And then doing that also, to be proportion and triple stacking those letters, then the logo in proportion should be bigger to kind of fit in with the triple stack.

Turbiak: I see.

Bongiorno: But I don't think the triple stack would be a good solution for this location with the area of the sign ban on façade. I think the double stack would work well--you know--we're cutting down on square footage, and I think it would be a lot easier to be read double stacked.

Turbiak: Okay. I appreciate that. That sounds like some very solid experienced feedback. What was I--do you know--I see that it looks like--you mentioned that they have two units, so clearly, they have two doors. Do you know what their intentions are? Are they gonna use both for entrances and exits or are they gonna wall--you know--wall one off?

Bongiorno: That I'm not sure of. I'm not sure of that. I really don't know. Like I said, I just thrown--

Turbiak: Sure.

Bongiorno: --this on my desk today. So, I don't know all the details. I would imagine perhaps maybe one would be the entrance way and then the second entrance might be after patients are done and maybe like a separate exit so they're not in the lobby or the office area or the front desk area--

Turbiak: Right.

Bongiorno: --for check in and that maybe an exit--patients going out.

Turbiak: Okay. I appreciate that. Would you agree that this sign really suffers from the--maybe that's the wrong word, due to the nature of the calculation and it's currently presented as one line, so any height, like of the logo, is counted as the overall--goes into the calculation of the overall square footage, right? So, if you for example, were to just shrink the logo so that it was no taller than sixteen inches or--you know--yeah, again, assuming that you also shrink down the ampersand, it looks like that's driving up the calculation a little bit. Do you--I guess--do you--how do I wanna rephrase this as a question--do you think you could do anything to that ampersand to bring that down into the logo to shrink that down to make it fit in?

Bongiorno: The ampersand can always be a little bit smaller.

Turbiak: Okay.

Bongiorno: Okay. I mean, you're not gaining much by doing one letter--

Turbiak: Right.

Bongiorno: --one symbol.

Turbiak: Right.

Bongiorno: And the logo as is, is just under--it's two foot seven inches by two foot nine inches. So, that's really not that big to begin with. I mean--

Turbiak: Yeah.

Bongiorno: --two feet--you know--up on a building, that high up in the air, two feet does not look like much.

Turbiak: Right.

Bongiorno: So, in shrinking that, then it's almost like why--you know--at that point, why have a logo, I mean, but it is their logo, so.

Turbiak: No. I hear you, and I appreciate the feedback. I think that's all the questions I have at this time. Thank you, Bob.

Coppola: Thank you. Any other questions?

Oliverio: I have a question.

Coppola: Ms. Oliverio.

Oliverio: Thank you. So, I am--I'm not sure if this is a question for zoning or engineering, but so this is two units, correct?

Bongiorno: Yes.

Oliverio: So, theoretically, or even before when there were two businesses in that unit--in those two units, what was the maximum allowable signage space for two separate businesses?

Stierna: It would be 50 feet. In this case, it is one foot per one foot of frontage--one square foot of area on a sign per one foot per frontage of the building.

Oliverio: Okay. So--

Stierna: Other than the unit.

Oliverio: --50 for each unit or 50 total?

Stierna: It would be--based on the individual units.

Coppola: So, that would be 25--

Stierna: So, in this case, this building unit, this unit is 50 feet long and can have up to a 50 foot--square foot area.

Oliverio: Got it. Okay. Thank you. And we--do we happen to know what the--of the business that were there before, how much space they used for their signage? No?

Stierna: No.

Coppola: They didn't--they didn't have a--they didn't have a variance though, correct?

Stierna: No.

Coppola: So, they were within the--so they were 25 feet--square feet or less.

Oliverio: Got it. Okay, thank you.

Boloven: Mr. Chair.

Coppola: Mr. Boloven.

Boloven: Question for the building department. To your knowledge, did any of the buildings that were in there, any of the tenants, come before this board and were denied?

Stierna: I saw no variances on the other units there at this point.

Boloven: Meaning they wouldn't even have come and were they denied, that would have popped up on your record if they would--

Stierna: Correct. I have no variances applied or denied.

Boloven: Thank you.

Testa: Mr. Chair.

Coppola: Mr. Testa.

Testa: Yeah, thank you. Question for the petitioner. So, thank you for filling in for your co-worker and also, going out to the site. I'm gonna admit that I did not go out there today. I've been out in the area many times for shopping, so I felt that I didn't need to, but now I kind of regret it. I'm wondering while you were there, if you took a look at the other signage in terms of the size of the letters? So, you're proposing sixteen-inch letters, how does that relate to Panera's sign as an example?

Bongiorno: That'd be really close to the Panera's size letters and the Leo's Coney Island. Of course, the style of lettering is a little bit different--

Testa: Yeah.

Bongiorno: --for Leo's Coney Island, being a little script, upper, lowercase, so there's a little bit of a difference there, but real similar in size to Panera Bread. And you really--I mean, it--if you went out there and took a look at it, you'd see exactly what I'm referring to for that location, the visibility in the one entrance way, and like I said, plus that--I don't remember that Hook and Reel being there. I don't know if it's a new build, not--build out recently--

Testa: It was a Logan's Steakhouse before.

Bongiorno: A Logan's Steakhouse, okay. Because I--just as soon as you pull in the driveway to get in the plaza, that building's there and totally block--that one building--that one tenant space is very far back, even from the first driveway into the whole complex.

Testa: Would your client be willing to rework the design to match the letter height of say, Panera? So that it's more uniform.

Bongiorno: I--I will ask them that. I'm--from going out there today, and I looked--I looked at it. Matter of fact, I think I have a picture of it.

Testa: Yeah, I'm looking at Google Maps, I can see--they look like the biggest letters from Google Maps, Panera or Leo.

Bongiorno: Okay, I have--I actually printed off Google this morning too so that I'd have an idea, and as you can see, the bump out of Panera's building. So, as you're driving Eastbound on Schoolcraft, you miss that first entrance, and that building's sticking out and all the sudden, it's around here somewhere, it's gotta be around here somewhere and you end up going down the back--back way into the entrance. I really feel like out of all the--all the years I've been doing this, this is a very good case for asking the board to grant a variance for this customer. I can see it. Like I said, other customers, some customers just want--just cause they want a bigger sign. Well, that's not a hardship. But with this, this is definitely a hardship. With Panera Bread, yeah, that's probably every bit of sixteen inch letters for Panera Bread. Looking at the brick work, counting the bricks, number of bricks, it's pretty even as of now at the sixteen inch letters. And--you know--

like Matt mentioned, no one else thought or wanted or requested or felt like they needed to come for a variance. We're here because we feel strongly that we need a variance to make this a successful location for this customer. You asked, has anyone ever went for a variance, been denied, or approved? No. The answer's no because they never went this far. They didn't wanna take the time, the effort, or the expense to be here to ask for a variance. This customer feels strongly about having a little bit more visibility for its clients, and like I said, the client's are elderly people for dentures and implants. So, if that group of customers, clients, a little bit bigger sign to be more noticeable for them, may--may save a lot of grief with them in the parking lot driving around looking for the location where they need to be. But it does look, in size with Panera Bread, follows suit with Panera Bread and Leo's Coney Island.

Testa: Thank you.

Coppola: Other questions?

Oliverio: Actually, one more question.

Coppola: Yes, Ms. Oliverio.

Oliverio: So, within the facility when it--the business, when it opens, will they be performing, do you know, actual dental surgery and things of that nature--

Bongiorno: I believe so.

Oliverio: --so, it's possible that patients would be--you know--perhaps laughing gas or things of that nature?

Bongiorno: I would assume if that's the procedures that are taking place then yes, there would be some laughing gas or anesthesia involved.

Oliverio: Thank you.

Coppola: Other questions? Just a couple questions for Mr. Fisher, real quick, and I should know this but, I'm having a brain melt here. So, if we approve this variance, well, let me ask this question first, when you get a variance for a sign on a building, is it the building owner or the business that asks for the variance?

Fisher: It's always the owner. Any variance is the owner.

Coppola: Owner of the building.

Fisher: Yep.

Coppola: So, Affordable Dentures doesn't own the building?

Fisher: This application should have been signed by a representative of the owner. I don't--

Bongiorno: There's always land--we always have a landlord approval with all our permitting.

Coppola: Okay. This says Millennial Livonia Unit Two, LLC.

Fisher: Yeah, that sounds right.

Coppola: Okay.

Fisher: When you consider that's Millennial Park there.

Coppola: Okay. And then is there generally, you have to be some type of letter from the owner to have someone besides the owner--

Fisher: There isn't any requirement in the ordinance for that.

Coppola: So, anybody can show up then to--to--to a meeting and represent a petition without owner auth--without the petitioner's authorization?

Fisher: Well--

Coppola: Many times, we see any authorization for someone to represent the petitioner.

Fisher: I'm gonna go out on a limb and say he's authorized, but yes, do we have tangible proof of that in this case other than what the gentleman has said, not that I know of.

Coppola: And should the notice have stated that this is actually Millennial Unit--whatever it is, Millennial something, instead of Affordable Dentures?

Fisher: I think that's designed to tell you who's message is going on.

Coppola: No, I understand that, but the appeal case--the notice, don't you normally have the name of the--the name of the owner on there?

Testa: I think Mr. Coppola's point, it says Allied Signs, it doesn't say Millennial Park.

Fisher: Oh.

Coppola: No, I--

Fisher: I don't think this is the first time a sign contractor's gotten their name in the--

Coppola: No, but even the owner's name is not on the notice. It's just--it's just the tenant's name is on the notice.

Fisher: Well, maybe you could--you could certainly argue I guess that the owner's name should be on the notice, but I don't think that invalidates the notice.

Coppola: Okay. Those are my questions. Just wanna make sure procedurally we're appropriate.

Testa: Sorry, Mr. Fisher. I have a question for Mr. Fisher. In the future, if there's a new tenant, they would also want--need to come back for a variance if they wanted a sign over 50 square feet, correct?

Fisher: Well, it depends on--I mean, I guess that would be the case if you stipulated that requirement but ordinarily, just changing a sign face, and not changing the height or the overall size doesn't--it's just considered a wash.

Testa: If we said built as presented, that would kind of force it, too, right?

Fisher: Yeah, I wouldn't be confident of that.

Bongiorno: Well, this is individual letters, it would be not refaceable for another tenant that possibly moves in there another time.

Coppola: No, I think the question--let me ask the question a little bit different because I think I know where you're going. The variance is for the building.

Fisher: Right.

Coppola: So, something else could go into two units, they'd again have to be in the two units, they could put a 50--50 square foot sign up?

Fisher: Yes.

Coppola: Because it's for the unit, so, tomorrow, Affordable Dentures says, you know what, I don't wanna--I decided I change my mind, I don't wanna go here and Bob's Comic Books comes in and he can have a 50 foot--square foot sign.

Fisher: Yes.

Bongiorno: That doesn't--I mean, in other municipalities we do this, it--the variance is always in the customers name--the name of the business that's in the plaza. The--once that person leaves--

Coppola: That's why I just went through the questions I asked, Mr. Fisher, because it's actually the building owner who is applying.

Fisher: The building owner--the building owner has to ask for a variance.

Coppola: Right, and so it's for that unit. So, it stays with that unit. It stays with that building. As long as that--that--those two units stay together, because I don't think someone could come in and put two 25 square foot--I mean, two--I'm sorry--

Fisher: Yeah, no, you're--if you now break it into two different signs--

Coppola: Then it's different again.

Fisher: --and they're both over then yes, you need a variance for (inaudible)

Coppola: But if--but again, like my scenario where Affordable says, you know what, I really don't wanna do this and they sell it to Bob's Burgers, Bob Burgers can have a 90 square foot sign because it's for the unit. It's for that unit--those two units.

Bongiorno: Is that how the variance is issued? To the building and not the--

Coppola: Yes.

Fisher: The variance is issued to the owner. The owner has to ask for the variance and that's because the variance depends on a hardship for that location. It's not that it's hard to run a denture shop in that location, it's that it's hard to be seen in that location without that size sign.

Bongiorno: So, we have stipulations based upon this particular business in that--

Fisher: They'll say--they'll say as built and that'll be--

Bongiorno: Oh. Gotcha. Covering that,

Fisher: --you'll--yes.

Bongiorno: Okay.

Fisher: And the question of whether it's immediate like you're describing, the Bob's Burgers--

Coppola: I mean, I'm using it as an extreme, but let's say a year from now.

Fisher: If it's--if it's sufficiently immediate, then you might get somebody saying okay, that's not as built. Somebody from the Inspection Department saying, okay, that's not as built. Down the road, it--once this becomes just like every other sign in the city, when they go to change it, I suspect they'll just let it be changed.

Boloven: Mr. Fisher, can't this board give the condition though, for just this tenant?

Fisher: Certainly.

Boloven: That would solve that problem.

Fisher: If that's perceived as a problem.

Coppola: Okay. Other questions? Seeing that there is nobody in the audience, I don't know if I saw any correspondence.

Klisz: There is no letters.

Coppola: Okay. Any final closing statements?

Bongiorno: No.

Coppola: Alright. Thank you. I'm gonna close the public portion of the case and start the Board's comments with Vice Chair Baringhaus.

Baringhaus: Thank you. First of all, very nice job considering you just received this case this morning. I really think that the company, Affordable Dentures and Implants, they have a lot of latitude with their signage. They do vary from building to building. I think the current proposal is too large. I'd like to see the design scaled down, so that it's consistent with the other signage in the area, so it's a little more streamlined. I think you made two excellent suggestions, either using two lines or three lines. But some modification would be necessary. So, what I would recommend is tabling this variance to give you time to come back with maybe two alternative proposals. One, with a logo that's smaller with two lines, and then a second design, again, a smaller logo but with three lines. Thank you.

Coppola: Alright, thank you. Mr. Turbiak.

Turbiak: Thank you, Mr. Chair. Yeah, I think I also could be in support. I kind of understand the argument. I'm almost ready to approve it tonight based on how we're kind of slicing and dicing, and I know I'm kind of tearing up the ordinance when I do this or maybe it's as simple as just, reducing the size of the ampersand, by my calculations, it's showing one foot four inches versus one foot nine and a half inches, so that's a delta of five and a half inches, multiply that by just the length of the verbiage--you know--28 feet basically, and you're looking at like an impact of thirteen square feet. You know--so, that would bring it down to 77 square feet right there. And again, I'm slicing it in my brain and that logo, because of it's height of--you know--two feet nine point three inches, and again, same problem but just worse if you multiply it over the 32 feet and you get that impact, which--you know--visually, it's not really that imposing, and I think it is pretty similar by my calculations to the coney island and the Panera, I would be curious if we're gonna table it to get those numbers exactly. I don't know if that would come from the Inspection Department. I don't know if that would come from a field survey from the sign representative, whoever it is at Allied signs. Whichever company

Mr. Bongiorno, represents. So, again, that's why I'm kind of leaning like I could almost approve it today, because it seems like it's harmonious with the size of the other letters on the building and because it's two units, it doesn't look overwhelming in my opinion, but I would definitely support a tabling as well.

Coppola: Alright, thanks. Ms. Oliverio.

Oliverio: I concur with everything Mr. Turbiak just said.

Coppola: Okiedokie.

Oliverio: I will add though, I do think we should consider the safety as well as the patients in a very high traffic busy area too.

Coppola: Alright, thank you. Mr. Testa.

Testa: Yeah, I can support this sign. I think it fits in with the other signs that are there. But if there are concerns from the other members to table this and have it reworked slightly, I would be open to that as well.

Coppola: Mr. Boloven.

Boloven: I agree with Vice Chair Baringhaus on this one. I would definitely do a table. An 80% increase is far too large. I may be able to support the 40% increase which would be within that 70 square foot range if we did a double stacking, but I think the petitioner needs time to rebuild this, get the exact measurements, give us some exact designs for this Board to review. It would help to see the measurements of those other units that you're comparing to, specifically the Leo's and Panera. The issue I have is that every other building there made their sign within our zoning ordinance, and this is the first that's coming before this body to go outside of it, so it's a dangerous precedent once you open that door, especially on a building. But for right now, I agree with Vice Chair Baringhaus to do a tabling and see what the petitioner comes back with. Thank you.

Coppola: Thank you, Secretary Klisz.

Klisz: I agree. I think that looking at it, I can kind of see the idea of potentially saying, you know, it looks good, but I think the petitioner's already talked about being flexible as to the reduction by just the double stack, on it's own would reduce it, and therefore, you know, getting it closer to the ordinance is always a good thing, so I would think that once it comes back, I think there's obviously, sounds like enough support to pass it next time around, so I would be in support of a table.

Coppola: I--I--I think the proposal's way too large. I do think the location of the building is not conducive to line-of-sight identification, it just--it's just in a very awkward place and to be honest with you, I'm not sure signage is gonna really resolve that issue much.

But there's other--there are other businesses that are in that location that have complied with our sign ordinances, and they seem--some seem to be doing okay, some obviously, there's two vacant spaces, didn't do okay. I don't know if that's because of their signs or because of the business structure, but I think what's being proposed is--is a little too large and look forward to the petitioner coming back with something a little more modest that we can all work with. So, I'll go ahead and open up the floor for a motion.

Motion by: Baringhaus. Supported by: Boloven.

RESOLVED: APPEAL CASE NO. 2022-01-02: Affordable Dentures & Implants, (Allied Signs), 33650 Giftos Dr., Clinton Twp., MI 48035, seeking to erect a wall sign resulting in excess wall sign area.

Wall Sign Area:

Required:	50 Square feet
Proposed:	90 Square feet
Excess:	40 Square feet

The property is located on the south side of Schoolcraft (28535), between Middlebelt and Inkster, Lot. No. 097-02-0001-000, C-2 Zoning District. Rejected by the Inspection Department under City of Livonia Vision 21 Sign Ordinance, Section 11.08 (3), "Residential District Regulations," **be tabled in order for the petitioner to come back with a smaller set of alternative signs.**

ROLL CALL VOTE:

AYES: Turbiak, Testa, Oliverio, Klisz, Baringhaus, Coppola

NAYS: None

ABSENT: None

Klisz: Passes 7-0.

Coppola: Alright, so, petition has been tabled for the opportunity for the petitioner to come back with a revised plan. You've heard, got an impact, you know--some input from the Board members, a little bit variable, but ultimately it's the petitioner's decision how they wanna do, they can come back with the same plan or they can come back with a modest plan, they can stack it, they can not stack it, they can--you know--but I think the input that you've gotten, or the feedback you've gotten from the Board is they're looking for something just a little more modest in size.

Bongiorno: Okay. I will go over them with the customer and we'll make some changes and see if that pleases the Board to see if that way stacked and come back and present it that way.

Coppola: Yeah, I think the next open meeting is gonna be in March because I think our February 15th date you passed, so, let's see if I can find the--so, you will need to reach out to the zoning board office, and they'll tell you what the next available--when you're ready to get on the next available--

Bongiorno: Sure.

Coppola: --meeting. I would suggest make that--at least get on the meeting as quickly as possible so that if you think you can get your plans set relatively quickly, you can get on as quick--

Bongiorno: It won't take us long to revise the plans. Question, will we have to go through the application process again?

Coppola: No.

Bongiorno: Okay.

Coppola: No. Everything--you don't have to pay another fee, no other applications or costs--

Bongiorno: Just get on the meeting--

Coppola: Yeah, they'll know that you've been tabled.

Bongiorno: --that's tabled.

Coppola: Tell them that--you know--you were tabled on this date, this is the name of the petition and you wanna get back on schedule.

Bongiorno: Great. Thank you very much. Everyone have a good evening.

Coppola: But you will have to submit, obviously, all the paperwork.

Bongiorno: For--

Fisher: The plans--

Coppola: The new designs--

Bongiorno: The plans. Yes. All the new designs will be submitted just like the first time around and then we'll be back at the next available meeting to see the Board again.

Coppola: Okay.

Bongiorno: Thank you.

Coppola: Alright, thank you. I think we got a little house keeping here.

Klisz: We do. Mr. Chairman.

Coppola: Secretary Klisz.

Klisz: Motion to approve the minutes of November 30th, 2021.

Testa: Second

Coppola: I have a motion by Secretary Klisz, second by Mr. Testa. All in favor if you were there?

Board: Aye.

Coppola: Alright, I would like to welcome our newest member, Tamara Oliverio. Sorry.

Oliverio: Thank you.

Coppola: It took me two years for Mr. Turbiak.

Oliverio: I'm giving you one.

Coppola: So, welcome, good job on your first--first meeting, the first case was a tough one, so.

Oliverio: Yeah, you guys gave me a lot of homework for that one.

Coppola: Yeah, that was a lot of reading--a lot of reading. Alright, is there anything else that we need to take care of?

Baringhaus: Mr. Chairman.

Coppola: Vice Chair Baringhaus.

Baringhaus: Yes, motion to adjourn.

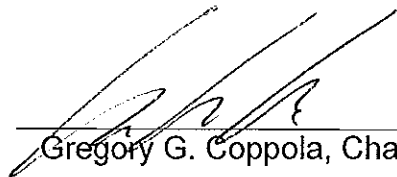
Testa: Second.

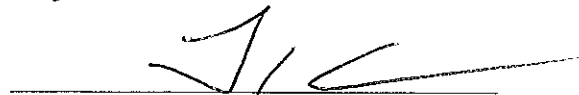
Coppola: Alright, I have a motion by Vice Chair Baringhaus, and I think it was Mr. Testa that second that, all in favor?

Board: Aye.

Coppola: We are adjourned.

There being no further business to come before the Board, the meeting was adjourned at 9:00p.m.



Gregory G. Coppola, Chairman

Timothy J. Klisz, Secretary

/vcb CEO 9489